

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD(Roseville,
California)FUTURE FORD, INC. 1/

Employer

and

MACHINISTS AUTOMOTIVE TRADES DISTRICT
LODGE 190, MACHINISTS AND MECHANICS
~~LODGE 2182, IAM & AW, AFL-CIO~~ 2/

Petitioner

20-RC-17777**DECISION AND DIRECTION OF ELECTION**

Upon a petition duly filed under Section 9(c) of the National Labor Relations Act, as amended, a hearing was held before a hearing officer of the National Labor Relations Board; hereinafter referred to as the Board.

Pursuant to the provisions of Section 3(b) of the Act, the Board has delegated its authority in this proceeding to the undersigned.

Upon the entire record in this proceeding, the undersigned finds:

1. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.
2. The Employer is engaged in commerce within the meaning of the Act and it will effectuate the purposes of the Act to assert jurisdiction herein. 3/
3. The labor organization(s) involved claim(s) to represent certain employees of the Employer. 4/
4. A question affecting commerce exists concerning the representation of certain employees of the Employer within the meaning of Section 9(c)(1) and Section 2(6) and (7) of the Act. 5/
5. The following employees of the Employer constitute a unit appropriate for the purpose of collective bargaining within the meaning of Section 9(b) of the Act: 6/

All full-time and regular part-time used car, fleet, pre-delivery inspection and special projects service technicians and apprentice technicians employed by the Employer at its 3020 Taylor Road, Roseville, California, location; excluding all other employees, guards and supervisors as defined in the Act.

DIRECTION OF ELECTION

An election by secret ballot shall be conducted by the undersigned among the employees in the unit(s) found appropriate at the time and place set forth in the notice of election to be issued subsequently, subject to the Board's Rules and Regulations. Eligible to vote are those in the unit(s) who

were employed during the payroll period ending immediately preceding the date of this Decision, including employees who did not work during that period because they were ill, on vacation, or temporarily laid off. Also eligible are employees engaged in an economic strike which commenced less than 12 months before the election date and who retained their status as such during the eligibility period and their replacements. Those in the military services of the United States may vote if they appear in person at the polls. Ineligible to vote are employees who have quit or been discharged for cause since the designated payroll

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period, employees engaged in a strike who have been discharged for cause since the commencement thereof and who have not been rehired or reinstated before the election date, and employees engaged in an economic strike which commenced more than 12 months before the election date and who have been permanently replaced. Those eligible shall vote whether or not they desire to be represented for collective bargaining purposes by **MACHINISTS AUTOMOTIVE TRADES DISTRICT LODGE 190, MACHINISTS AND MECHANICS LODGE 2182, IAM & AW, AFL-CIO.**

LIST OF VOTERS

In order to insure that all eligible voters may have the opportunity to be informed of the issues in the exercise of their statutory right to vote, all parties to the election should have access to a list of voters and their addresses which may be used to communicate with them. **Excelsior Underwear, Inc.**, 156 NLRB 1236 (1966); **NLRB. Wyman-Gordan Company**, 394 U.S. 759 (1969). Accordingly, it is hereby directed that with 7 days of the date of this Decision 3 copies of an election eligibility list, containing the full names and addresses of all the eligible voters, shall be filed by the Employer with the undersigned who shall make the list available to all parties to the election. **North Macon Health Care Facility**, 315 NLRB No. 50 (1994). In order to be timely filed, such list must be received in the Regional Office, 901 Market Street, Suite 400, San Francisco, California 94103, on or before September 6, 2002. No extension of time to file this list shall be granted except in extraordinary circumstances, nor shall the filing of a request for review operate to stay the requirement here imposed.

RIGHT TO REQUEST REVIEW

Under the provisions of Section 102.67 of the Board's Rules and Regulations, a request for review of this Decision may be filed with the National Labor Relations Board, addressed to the **Executive Secretary, 1099-14th Street, NW, Washington, DC 20570-0001**. This request must be received by the Board in Washington by September 13, 2002.

Dated: August 30, 2002

at San Francisco, California

/s/ Robert H. Miller
Regional Director, Region 20

- 1/ The Employer's name is in accord with the stipulation of the parties.
- 2/ The Petitioner's name is in accord with the stipulation of the parties.
- 3/ The record reflects, and I find, that the Employer, with offices and places of business located in Roseville, California, is engaged in the sale and service of motor vehicles. The parties stipulated that during the twelve-month period ending July 31, 2002, the Employer derived gross revenues in excess of \$500,000, and received goods and materials valued in excess of \$5,000 which originated from points outside the State of California. Based on the record evidence and the parties' stipulation to such facts, I find that the Employer is engaged in commerce and that it will effectuate the purposes and policies of the Act to assert jurisdiction in this case.
- 4/ The parties stipulated, and I find, that the Petitioner is a labor organization within the meaning of the Act.
- 5/ The parties stipulated, and I find, that there is no collective-bargaining agreement covering any of the employees sought in this petition.
- 6/ By its amended petition, the Petitioner seeks to represent a unit comprised of all full-time technicians employed by the Employer in the used car and fleet departments at its 3020 Taylor Road, Roseville, California facility; excluding full-time technicians employed by the Employer in the pre-delivery inspection and special projects departments, part-time employees, drivers, office clerical employees, all other employees, guards and supervisors as defined in the Act. The record reflects that the petitioned-for unit consists of approximately 29 technicians, including 14 technicians in the used car department and about 15 technicians in the fleet department.

The Employer contends that the appropriate unit is one that includes technicians at both its 3020 Taylor Road facility (herein called the Taylor facility) and the Employer's facility at 650 Automall Drive, Roseville, California, (herein called the Automall facility). There are about 36 technicians employed at the Automall facility. The Union asserts that the technicians at the Automall facility should be excluded from the unit because given their separate supervision, lack of interchange and lack of contact with employees at the Taylor facility, they do not share a community of interest with the petitioned-for employees sufficient to rebut the presumption favoring a single facility unit.

The Employer also contends that part-time used car technician, Kress McKinney, who also works as a fireman, should be included in the unit. However, the Union asserts that McKinney should be excluded from the unit because he does not share a community of interest with the petitioned-for employees based on his work as a fireman and not working a full-time schedule. McKinney is the only part-time technician in the Taylor facility.

The Employer further contends that the unit should include two technicians in the pre-delivery inspection (herein called PDI) department (i.e., Harvey Smart and Billy Hixon) and three technicians in the special projects department (i.e., Eric Aguiar and Carl Thorton and Michael Gonzales), all of whom work at the Taylor facility. The Petitioner takes the position that the pre-delivery inspection and special project technicians do not share a community of interest with the petitioned-for employees based on their different skill levels, functions, pay rates and lack of interchange with mechanics in the petitioned-for unit. One of the special projects technicians, Michael Gonzales, is also a driver for the Employer and the Petitioner takes the position that Gonzales should also be excluded because he spends most of his time driving and not performing technician's work.

Stipulations. The parties stipulated, and I find, that Employer owner Steve Pleau and Controller Dave Dighero should be excluded from the unit on the basis that they are managerial employees; that Service Directors James A. Queenen at the Taylor facility and Joe Hansen at the Automall facility, both of whom have the authority to hire and fire employees, should be excluded from the unit as statutory supervisors; that Service Manager Tom Zraick at the Automall facility is a statutory supervisor based on his authority to discipline, schedule and assign work to employees; that Taylor facility Shop Foreman Harry Lockwood and Automall facility Shop Foreman Jim Moore are statutory supervisors with authority to effectively recommend the discipline of employees and to direct employees in their work.

The parties further stipulated, and I find, that all non-technician employees should be excluded from the unit herein found appropriate.

The Employer's Operations and Managerial Hierarchy. The Employer's Taylor and Automall facilities are both located in Roseville, California, and are about one and one-half miles from each other. At the Taylor facility, there are approximately 75 employees, including the technicians herein at issue, detailers, lot porters, parts department employees, paint department employees, clerical employees, outside sales employees, service advisors and janitors.

The Automall facility has approximately 36 technicians who range from apprentice to journeymen level. As is the case at the Taylor facility, the pay rates of technicians range from about \$10 to about \$24 an hour. All technicians provide their own tools except two apprentices (i.e., lube technicians) who do only lube jobs and oil changes. The Employer does not have different classifications for these employees but calls them all technicians. Generally, their experience and skill levels are similar to that of technicians at the Taylor facility.

Both facilities are owned by Steve Pleau whose office is located at the Automall facility. Both facilities also have the same general manager, Bill Walsh, who reports to Pleau and whose office is also located at the Automall facility. While not disputed based on the record testimony described herein, I find that Bill Walsh is a statutory supervisor with the authority to hire and fire employees.

In June, 2001, the Employer transferred part of its Automall service department to the Taylor Street facility. Specifically, it transferred used car reconditioning, fleet servicing and some of its parts business. Approximately ten used car technicians, two fleet technicians and one special projects technician (i.e., Michael Gonzales) transferred to the Taylor facility in June, 2001. No PDI employees transferred to Taylor at that time.

The Automall facility has the following departments: retail, warranty and used car. Occasionally fleet servicing work is performed at Automall from the overflow work that comes into the Taylor facility or because a customer has brought a fleet vehicle into the Automall facility by mistake. However, since the transfer of the fleet servicing work to the Taylor facility, only about one percent of such work is performed at Automall. Only about five to ten percent of the used car reconditioning work is still done at the Automall facility and it generally involves occasions when customers take a vehicle to the wrong location. The Taylor facility handles some outside sales business in conjunction with the Automall facility and it also handles some parts storage for Automall.

Since June, 2001, the two facilities have had different service directors. The service director at the Automall facility is Joe Hansen and the service director at the Taylor facility is James A. Queenen. Neither Queenen nor Hansen has any authority over employees at the other facility. Hiring is handled by each service director for his respective facility and there is no posting of open positions at the other facility. Nor is there any bumping rights in cases of layoffs between the two facilities. Both Hansen and Queenen report to General Manager Walsh or to the controller, Dave Dighero, in Walsh's absence. According to Queenen, Walsh has final say over all labor matters and must approve all hiring and raises for employees at both facilities. However, Queenen testified that there may have been occasions where he offered jobs to applicants during initial interviews without Walsh's prior approval. Nor has Walsh ever disapproved a hiring or firing recommendation made by Queenen who has hired approximately 24 technicians since becoming service director at the Taylor facility in June, 2001. Automall Service Director Hansen testified that he has hired employees to fill current vacancies without prior approval from Walsh but does need Walsh's approval if he is adding new positions. Walsh must approve termination decisions and has disapproved recommended raises. Queenen schedules technicians at the Taylor facility with input from Walsh, and has authority to make purchases up to \$5,000 for the facility without prior approval.

Both facilities have the same human resources department which is located at the Automall facility. Both have the same parts manager, Kevin Berg, and used car manager, Brett Jaksick, whose offices are at the Automall facility. Jaksick is responsible for used car sales at the Automall facility and is also responsible in conjunction with Queenen for overseeing and coordinating the used car reconditioning work at the Taylor facility. Jaksick works at both locations and is at the Taylor facility every day. At the Automall facility, the Employer has a service

manager, Tom Zraick. The record does not indicate that there is a service manager at the Taylor facility. The Employer also has a shop foreman at each facility whom the parties have stipulated are statutory supervisors excluded from unit.

Common Fringe Benefits and Employment Package At Both Facilities. All technicians at both facilities receive the same employment package when hired and they also receive the same fringe benefits. The payroll for both facilities is handled at the Automall facility, and employees from both facilities are paid from the same payroll account. The Employer's financial statement separates the sales and income and projected budget for expenses for each location.

Hours of Operation. The Taylor facility is open Monday through Friday, from seven a.m. to 6 p.m. The Automall facility is open from 7 a.m. to 9 p.m., Monday through Friday, and on Saturdays from 8 a.m. to 4:30 p.m. The differing hours of operation between the two facilities is because of a directive from the Ford Manufacturing Company requesting extended sales hours.

Training & Meetings. Employees from both facilities attend the same sexual harassment training given annually by the Employer. However, other types of training, such as mandatory quarterly safety training, is handled separately at each facility. The technicians at the Taylor facility also attend separate shop meetings at that facility six to eight times a year.

While the Employer does not have a formally structured apprenticeship training program for its technicians, Ford has a training program, the STAR program, in which all technicians from both facilities, including PDI and special projects, can participate. This program involves computer training and field training work. The technicians progress to different training levels and are eventually required to supply their own tools.

Interchange and Contact. There are no temporary transfers of technicians between the Taylor and Automall facilities and there is minimal contact between technicians at the two facilities. There is no evidence of temporary transfers between the two facilities and since the transfer of portions of the service department from the Automall to the Taylor facility in June, 2001, there has been one permanent transfer of an employee from Automall to Taylor.

Within the Taylor facility, the fleet, PDI and special projects technicians have the most contact with each other and they have less contact with the used car technicians. When the PDI and special projects technicians confront a problem that is too complicated for them to fix, they seek assistance from the fleet department. On such occasions, Shop Foreman Lockwood arranges for a fleet technician to help them.

Common Social Functions. The Employer holds an annual Christmas party and non-mandatory employee appreciation luncheons that are attended by employees from both facilities.

Used Car Technicians at the Taylor Facility. As noted above, included in the unit that the Petitioner seeks to represent are approximately 14 used car technicians working at the Taylor facility who perform reconditioning and repair work on used cars that are traded in to the Employer or purchased by the Employer for resale. No party disputes the inclusion of these employees in the unit.

Technicians in the used car department report to Queenen, Shop Foreman Lockwood and Used Car Manager Brett Jaksick and Jerry Bitler and Steve Mitchell. Bitler and Mitchell are not otherwise identified in the record and are not listed on the roster of technicians included in the record for both the Taylor and Automall facilities. Nor does the record disclose evidence to show whether they are statutory supervisors or whether they are technicians who share a community of interest with other unit employees. Accordingly, in the absence of such evidence, they will be allowed to vote subject to challenge.

Although the Employer prefers to hire technicians in the used car department that have Automotive Service Excellence (ASE) certifications, it does not require that they possess such certifications or any other types of certifications at the time they are hired. The Employer does require used car technicians to have past experience as a technician working on the types of cars that are repaired in the Employer's shop and typically, it seeks someone at the apprentice level of between two and four years of mechanical experience. At the time of the hearing, the Employer had about three used car technicians who were apprentices. The Employer requires the used car technicians to provide their own tools which range in value from \$5,000 to \$25,000. The type of work performed by the used car technicians includes everything from oil and filter changes and tune-ups, to brake work, head gasket repairs, replacement of water pumps and hoses, tire repairs, smog checks, safety inspections, and other minor and major mechanical repairs. One of the used car technicians employed at the time of the hearing in this case had previously worked for the Employer as a lot porter, a "tire person," and then a PDI technician, prior to becoming a used car technician.

The Fleet Service Technicians. The unit sought by the Petitioner also includes approximately 15 technicians in the fleet department and no party disputes their inclusion in the unit. Fleet servicing is done almost exclusively at the Taylor facility, with only about one percent being handled at the Automall facility, usually because a customer mistakenly brings a vehicle to the Automall facility for servicing. Fleet service technicians at the Taylor facility report to Shop Foreman Lockwood. They do all types of mechanical work, from oil changes to tire work to major engine, transmission and front end repairs. In hiring fleet service technicians, the Employer typically seeks a technician with between two and four years experience. Although it seeks technicians with Ford Motor Company certifications in certain areas and ASE

certification, it does not require new hires to have such certifications at the time of hire. However, Ford Motor Company requires technicians to have certifications in order to perform warranty work on vehicles. At the time of the hearing, approximately five of the fleet technicians had between two and four years of experience. The Employer requires fleet technicians to provide their own tools which can range in value from \$5,000 to \$25,000. One of the fleet technicians had previously been a special projects technician and had transferred to the fleet department about a year prior to the hearing after training through STAR program to become a fleet technician.

Special Projects Technicians Carl Thorton, Eric Aguilar and Michael Gonzales. The Petitioner does not seek to represent the special projects technicians, but the Employer contends that they should be included in the unit.

At the time of the hearing, there were three special projects technicians, Carl Thorton, Eric Aguilar and Michael Gonzales, all of whom work at the Taylor facility. All three handle recall work on Ford vehicles for non-retail, large volume customers. Generally, they perform recall work on large numbers of vehicles at the same time and location. Thorton was hired a few months prior to the hearing. Aguilar has worked for the Employer for about six months. He was originally hired as a used car technician and then became a special projects technician about two months prior to the hearing. Gonzales became a special projects technician about sixty days prior to the hearing.

The special projects technicians report to Shop Foreman Lockwood at the Taylor facility. Each day, they pick up their tools and the service van at Taylor that they drive to the various field locations for their service work. Unlike the used car and fleet technicians, they are not required to provide their own tools. They spend portions of about four or five days a week out in the field in the local Sacramento area, servicing large numbers of vehicles and performing the mechanical work connected with recall notices. The service van has equipment and tools, including basic mechanical tools and a compressor and generator. The special project technicians have also performed work out of town and have stayed in motels when they worked in the field.

The work of the special project technicians varies and can be as simple as putting a bracket in a dashboard. They also do oil and filter changes, tire replacements and vehicle inspections. While they have performed general maintenance work, they do not perform more complicated work such as that involving smog checks, brakes, head gaskets, tires, and major or minor engine repairs or tune-ups. About five percent of the field work must be brought into the shop because it is more complex or requires the use of equipment in the shop. Prior to becoming special projects technicians, all three special projects technicians had worked as PDI technicians for the Employer.

The Employer requires the special projects technicians to begin the STARS training program within a certain period. As with the used car and fleet technicians, who are required to obtain ASE certification if they do not possess it at the time of hire, the special projects technicians are also required to eventually obtain ASE certification. Special Project Technician Aguiar had begun training in the STARS program at the time of the hearing.

Special Projects Technician/Fleet Driver Michael Gonzales. Special Projects Technician Michael Gonzales was originally hired at the Automall facility as a lot porter and his duties in that position were to shuttle cars for customers. Prior to the transfer of part of the Automall service department to the Taylor facility in June, 2001, Gonzales became a fleet driver at Automall, shuttling fleet vehicles for servicing. About sixty days prior to the hearing, he became a special project technician. At the time of the hearing, he was driving vehicles in connection with fleet servicing about 75% of the time and working as a special projects technician about 25% of time. Gonzales also drives the service van whenever he is on a service call. Service Director Queenen testified that Gonzales would be doing special projects work 100% of the time beginning a week after the hearing because the Employer was transferring one of its detailers at the Taylor facility into the fleet driver position.

Pre-Delivery Inspection (PDI) Technicians. Contrary to the Petitioner, the Employer contends that the PDI technicians should be included in the unit. At the time of the hearing, there were only two PDI technicians, Harvey Smart and Billy Hixon, both of whom worked at the Taylor facility. Smart and Hixon report to Shop Foreman Lockwood. The work they perform involves inspecting each new vehicle for safety-related items (e.g., ensuring lug nuts are tight; checking the oil; making sure all features work; and test driving the vehicle). They also do minor mechanical work on new vehicles, including replacing oil and filters and repairing tires. The PDI technicians are not assigned brake work, head gasket work, minor or major engine repairs, tune-ups, or the replacement of water pumps, belts or hoses.

The Employer does not require PDI technicians to have any mechanical experience at the time of hire or to provide their own tools. However, it prefers to hire employee with a mechanical background who have worked in tire stores or at gas stations doing lube work. The PDI technicians are typically apprentice level technicians, who initially train in PDI work. According to Queenen, neither Smart nor Hixon had begun the STARS training program at the time of the hearing because they were recent hires but eventually they will be required to do so.

Used Car Technician and Fireman Kress McKinney. Although the Petitioner seeks to represent the used car technicians working at the Employer's Taylor facility, it seeks to exclude Used Car Technician Kress McKinney, contending that because he works part-time for the Employer and has a different schedule from other technicians, he does not share a community of interest with them. The Employer takes the opposite position.

McKinney has worked for the Employer for about a year, always at the Taylor facility. When he was hired, he was a volunteer fireman which did not affect his full-time schedule working for the Employer. About six months prior to the hearing, he became a full-time fireman. As a result, he has become a part-time employee with the Employer. Queenen testified that he averages about 32 hours a week. The record does not contain a copy of any Employer work schedules for McKinney. According to Queenen, McKinney submits a monthly calendar in advance to the Employer showing the days that he is scheduled to work as a fireman and the Employer is free to schedule him on all other days of the month. Queenen testified that McKinney misses about five to six days a month because of his fireman work. The record contains calendars submitted by McKinney for the months of July and August 2002, entitled "Pacer Hills Shift Schedule." These schedules show McKinney scheduled to work as a fireman for ten days in July and ten days in August. Two of the days in each month that he is scheduled for fireman duty are on Sundays, when the Employer is not open for business.

McKinney reconditions used cars and he installs and repairs car stereo equipment. He also does pre-delivery and warranty work in the fleet department on a new Ford golf cart called, "The Think."

Pay and Fringe Benefits. General Manager Walsh, who is in charge of labor relations at both the Taylor and Automall facilities, approves pay raises for both facilities. The wage and benefit packages are the same for new hires at both facilities. The wage rates for the technicians in the different departments are as follows: special projects--between \$8/\$9 and \$24 an hour; used car--between \$12 and \$22 an hour; fleet--between \$10 and \$24 an hour; and PDI--between \$8 and \$10 an hour. Special Projects Technician/Fleet Driver Gonzales makes \$13.50 an hour; Special Projects Technician Aguiar makes \$12 an hour; and Special Projects Technician Thorton makes about \$8 to \$9 an hour.

Uniforms. The Employer provides the same uniforms for technicians at both facilities and also pays for the cleaning of the uniforms.

Analysis: Whether the Unit Must Include Technicians at the Automall Facility. As noted above, the Petitioner seeks a craft unit of consisting of used car and fleet service technicians and apprentice service technicians in these departments at the Employer's Taylor facility. The Employer contends that in order to be appropriate, the unit must also include all technicians at the Automall facility.

In *Barlett Collins Co.*, 334 NLRB No. 76 slip op at p. 1 (July 11, 2001), the Board described its policy for determining appropriate units as follows:

The Board's procedure for determining an appropriate unit under Section 9(b) is to examine first the petitioned-for unit. If that unit is appropriate,

then the inquiry into the appropriate unit ends. If the petitioned-for unit is not appropriate, the Board may examine the alternative units suggested by the parties, but it also has the discretion to select an appropriate unit that is different from the alternative proposals of the parties.

As stated by the Board in *Overnite Transportation Co.*, 322 NLRB 723, 723 (1996), “There is nothing in the statute which requires that the unit for bargaining be the only appropriate unit, or the ultimate unit, or the most appropriate unit; the Act requires only that the unit be ““appropriate”” [citation omitted].

Concerning unit determinations of employees involving single versus multi-location units, the Board has long applied the principle that a single facility is presumptively appropriate unless it has been so effectively merged into a more comprehensive unit, or is so functionally integrated, that it has lost its separate identity. See *Ohio Valley Supermarkets, Inc. d/b/a Foodland of Ravenswood*, 323 NLRB 665, 666 (1997); *J & L Plate, Inc.*, 310 NLRB 429 (1993); *Penn Color, Inc.*, 249 NLRB 1117 (1980). The presumed appropriateness of a single-location unit is rebuttable but the burden is on the party opposing the appropriateness of the single-facility unit to present sufficient evidence to overcome the presumption. *J & L Plate; Red Lobster*, 300 NLRB 908, 910-911 (1990). To determine whether the presumption has been rebutted, the Board examines a number of community of interest factors, including the central control over daily operations and labor relations, the extent of local autonomy; the similarity of employee skills, functions and working conditions; the degree of employee interchange; the distance between locations; and bargaining history, if any exists. *Ohio Valley Supermarkets, Inc. d/b/a Foodland of Ravenswood, supra*, 323 NLRB at 666; *J & L Plate*, at 429; citing *Esco Corp.*, 298 NLRB 837, 839 (1990).

In the instant case, I find that the single-location unit presumption has not been rebutted by the Employer. The two facilities are geographically separated by one and a half miles. While the two facilities have a common owner and general manager, the technicians at each facility have different service directors and shop foremen, as well as a separate service manager at the Automall facility, who separately supervise them at each location. The record shows that there is no temporary interchange of technicians between the two facilities and there has been only one permanent transfer of a technician since the original transfer of portions of the Automall service department to the Taylor facility in June, 2001. Contact between technicians at the two facilities is minimal. Nor is there any bargaining history to support a multi-location unit. In sum, while the technicians at both facilities may share common skills and functions and have similar wage rates and fringe benefits, and each facility has a common owner and general manager, the record shows that the technicians at these two facilities have separate immediate supervision, no temporary interchange, insignificant permanent interchange, minimal contact, and no bargaining history supporting a multi-location unit. Based on such factors, it is concluded that the Employer has not overcome the presumption that the single facility unit at the Taylor facility is an appropriate unit. Accordingly, the unit will exclude the employees at the Automall facility.

Whether the Unit Must Include the Pre-Delivery and Special Project Technicians. The Petitioner seeks to represent a craft unit comprised of only the used car and fleet service technicians and apprentice service technicians in these departments. The Employer seeks to have PDI technicians and special project technicians employed at the Taylor facility also included in the unit.

It is well settled that mechanics who possess skills and training unique among other employees constitute craft employees within an automotive or motor service department, and therefore may, if requested, be represented in a separate unit, excluding other service department employees. *Fletcher Jones Las Vegas d/b/a Fletcher Jones Chevrolet*, 300 NLRB 875 (1990); *Dodge City of Wauwatosa, Inc.* 289 NLRB 459, 460 n. 6 (1986); *Trevellyan Oldsmobile Co.*, 133 NLRB 1272 (1961); see also *Country Ford Trucks, Inc. v. IAM, AFL-CIO, Local 1528*, 229 F.3d 1184 (D.C. Cir. 2000). With regard to whether the PDI and special project technicians must be included in the unit, in *Country Ford Trucks, supra*, the D.C. Circuit Court of Appeals found that the Board had not erred in finding a unit comprised of service technicians and lube workers to be an appropriate unit. In *Fletcher Jones Chevrolet, supra*, at 876, the unit found appropriate by the Board included with the mechanics, the “quick service technicians” who handled lubrication, oil and filter changes, belts, hoses, and other simple mechanical repair work. The Board noted that the quick service technicians were “helpers or trainees,” citing *American Potash & Chemical Corp*, 107 NLRB 1418, 1423 (1954), for the proposition that a craft unit “consists of a distinct and homogeneous group of skilled journeymen craftsmen, working as such, together with their apprentices or helpers.” In *Fletcher Jones Chevrolet*, the Board noted that while the employer had no formal apprenticeship training program, it provided training and classes for its service technicians to maintain and upgrade their skills; and considered the main shop a training ground where employees learn skilled mechanical work by “interfacing” with skilled technicians. *Id.*

I find that a similar situation is present in the instant case. All of the technicians perform mechanical work although they have varying levels of skills and the work they are performing is of different levels of complexity. They all have common supervision and they participate in the Ford STARS training program. Thus, while the petitioned-for technicians in the used car and fleet departments are generally required to provide their own tools, and the technicians in the PDI and special project departments are not, the technicians in the latter two departments may train to a level where they are required to provide their own tools. Similarly, while the PDI and special projects technicians may not earn as much as fleet and used car department technicians, they have the opportunity to train to perform higher levels of mechanical work for which they could be paid a comparable wage rate. The record also shows some evidence of permanent interchange between these classifications. Thus, one of the three special projects technicians was originally hired as a used car technician and transferred into the special projects department. One of the used car technicians was previously a PDI technician. Also one of the fleet technicians had been a special projects technician before completing STAR training to become a

fleet technician. Further, the record shows that all of these technicians attend shop meetings together and have regular contact at the Taylor facility.

I find that the PDI and special projects technicians at the Taylor facility share a substantial community of interest with the fleet and used car technicians warranting their inclusion in the same unit. I base this conclusion on the fact that unlike all other non-technician employees at these facilities, the PDI and special projects technicians perform mechanical work, *albeit* not usually as complex as that performed by the used car and fleet technicians; they take the same technician training courses; they have transferred into fleet and used car positions; they share common supervision; and they appear to have regular contact with the used car and fleet technicians.

Accordingly, the petitioned-for unit is modified to include these employees.

Whether the Unit Should Include Special Project Technician/Fleet Driver Michael Gonzales. The Employer contends that Michael Gonzales should be included in the unit and the Union contends that he should be excluded because he spends most of his time performing driver work for the fleet department.

Dual function employees are employees who perform more than one function for the same employer. They may be included in a unit even though they spend less than a majority of their time performing unit work, if they regularly perform duties similar to those performed by unit employees for sufficient periods of time to demonstrate that they have a substantial interest in working conditions in the unit. *Martin Enterprises, Inc.*, 325 NLRB 714 (1998); *Continental Cablevision*, 298 NLRB 973 (1990); *Alpha School Bus Co.*, 287 NLRB 698 (1987); and *Oxford Chemicals*, 286 NLRB 187 (1987). In determining whether dual-function employees regularly perform duties similar to those performed by unit employees for sufficient periods of time to demonstrate that they have a substantial interest in the unit's working conditions, the Board has no bright line rule as to the amount of time required to be spent in performing unit work. Rather, the Board examines the facts in each particular case. *Id.* In *Oxford Chemicals*, for example, the Board found that an employee who regularly performed unit work for 25 percent of each working day was included in the unit.

In the instant case, Gonzales performs unit work about 25 percent of the time and within a week of the hearing, would be performing such work 100 percent of the time. Gonzales does the same work as other special project technicians; shares common supervision with them; and has regular contact with them. Given such facts, I find that he is appropriately included in the unit. See *Oxford Chemicals*.

Whether Used Car Technician Kress McKinney Should Be Included in the Unit. McKinney works on average about 32 hours a week performing unit work. McKinney shares common supervision with other unit employees. It is unclear from the record whether he receives the same benefits as other employees. The Employer accommodates his schedule and only assigns him work on days when he is not assigned to work as a fireman. I do not find that his

outside employment or the Employer's accommodations for his schedule as a fireman precludes his inclusion in the unit herein found appropriate. Nor do I find that his part-time status requires his exclusion. While McKinney may have different interests with regard to scheduling and benefits than do other unit employees, I find that on balance, his similar skills and functions, common supervision, and contact with other petitioned-for employees warrants his inclusion in the unit as a regular part-time employee.

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